

REFERENCE TITLE: traffic ticket enforcement assistance program

State of Arizona
Senate
Forty-seventh Legislature
Second Regular Session
2006

SB 1242

Introduced by
Senators Huppenthal; Gray; Representative Konopnicki

AN ACT

AMENDING TITLE 28, CHAPTER 5, ARTICLE 5, ARIZONA REVISED STATUTES, BY ADDING SECTION 28-1630; AMENDING SECTIONS 28-1631, 28-1632, 28-1633, 28-1635 AND 28-1636, ARIZONA REVISED STATUTES; RELATING TO THE TRAFFIC TICKET ENFORCEMENT ASSISTANCE PROGRAM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 28, chapter 5, article 5, Arizona Revised Statutes,
3 is amended by adding section 28-1630, to read:

4 28-1630. Definition of monetary obligations

5 FOR THE PURPOSES OF THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE
6 REQUIRES, "MONETARY OBLIGATIONS" INCLUDES FINES, FEES, PENALTIES, COURT
7 COSTS, SURCHARGES, RESTITUTION, ASSESSMENTS AND PENALTY ENHANCEMENTS.

8 Sec. 2. Section 28-1631, Arizona Revised Statutes, is amended to read:

9 28-1631. Traffic ticket enforcement assistance program;
10 establishment

11 ~~A.~~ The department shall establish procedures to:

12 1. Assist the courts and political subdivisions of this state to
13 collect delinquent ~~finer and penalties~~ MONETARY OBLIGATIONS imposed for
14 VIOLATIONS OF TITLE 5, CHAPTER 3 AND FOR civil and criminal traffic
15 violations, including ~~all surcharges~~ PARKING VIOLATIONS THAT OCCUR ON OR
16 AFTER JANUARY 1, 2007.

17 2. Assist in the enforcement of criminal traffic failure to appear
18 offenses.

19 ~~B. The program established by this article shall not include~~
20 ~~collection of delinquent parking tickets.~~

21 Sec. 3. Section 28-1632, Arizona Revised Statutes, is amended to read:

22 28-1632. Refusal to renew registration; fees

23 A. On proper notification by a court or political subdivision pursuant
24 to section 28-1633, the department shall refuse to renew the registration of
25 a vehicle if either:

26 1. The registered owner of a vehicle is delinquent in paying a ~~fine or~~
27 ~~penalty~~ MONETARY OBLIGATION for A VIOLATION OF TITLE 5, CHAPTER 3 OR FOR a
28 civil or criminal traffic violation, INCLUDING A PARKING VIOLATION, and the
29 combined amount of the delinquency exceeds ~~two~~ ONE hundred dollars.

30 2. The registered owner fails to appear in a criminal traffic case.

31 B. The court or political subdivision shall make at least two attempts
32 to collect the monies owed by an individual or organization before notifying
33 the department to refuse to renew the vehicle registration of the registered
34 owner.

35 C. The department may charge a court or political subdivision that
36 chooses to participate in this program a fee that is payable to the
37 department by the court or political subdivision to cover the costs of
38 processing the documents to notify the registered owner that the owner's
39 vehicle registration will not be renewed. The department shall deposit,
40 pursuant to sections 35-146 and 35-147, these fees in the state highway fund
41 established by section 28-6991.

42 D. The fees charged by the department to the courts or political
43 subdivisions of this state for processing the documents to notify the
44 registered owner that it is not renewing a person's vehicle registration
45 shall be paid at the same time as the registered owner's outstanding fine or

1 penalty or as part of the penalty for the failure to appear offense for which
2 the vehicle registration was not renewed.

3 E. This article does not prohibit the department from imposing and
4 collecting additional fees authorized by law.

5 Sec. 4. Section 28-1633, Arizona Revised Statutes, is amended to read:
6 28-1633. Contracts

7 A. A court or political subdivision of this state may contract with
8 the department to:

9 1. Provide electronic data access of department records to facilitate
10 documentation of unpaid ~~finer-or-penalties~~ MONETARY OBLIGATIONS for
11 VIOLATIONS OF TITLE 5, CHAPTER 3 AND FOR civil and criminal traffic
12 violations, INCLUDING PARKING VIOLATIONS, and for failure to appear in
13 criminal traffic cases.

14 2. Refuse to renew a motor vehicle registration until the court or
15 political subdivision notifies the department on forms prescribed by the
16 director that either:

17 (a) The unpaid monies due on the violation for which a vehicle
18 registration was not renewed have been paid.

19 (b) The unpaid monies are no longer delinquent.

20 (c) The registered owner appeared in court for the criminal traffic
21 offense for which the vehicle registration was not renewed.

22 (d) A waiver was issued under section 28-1635.

23 3. Collect the unpaid monies on behalf of the court or political
24 subdivision under terms and conditions prescribed by the contract.

25 B. A court that is not authorized by law to contract directly with the
26 department shall seek the approval of the appropriate funding authority
27 before entering into a contract with the department.

28 C. The director shall implement the electronic access authorized by
29 this section only if the director determines the system proposed by the court
30 or political subdivision is fully compatible with the existing and
31 anticipated systems of the department.

32 D. An agreement may be executed pursuant to this section only if all
33 of the following conditions are met:

34 1. The planning, implementation and operation of the system are at no
35 expense to the department.

36 2. The court or political subdivision both:

37 (a) Ensures that its system is compatible with state systems and those
38 of participating courts or political subdivisions.

39 (b) Agrees that it will bear all current and future expenses necessary
40 to ensure compatibility of its system with the state system.

41 3. The court or political subdivision assumes all financial, technical
42 and legal risks associated with electronic access of department records
43 through its system.

1 E. The department, court or political subdivision may contract with
2 nongovernmental agencies or private sector businesses to perform any of the
3 acts authorized by this section, except that the department shall mail the
4 notice to the registered owner that the owner's vehicle registration will not
5 be renewed.

6 Sec. 5. Section 28-1635, Arizona Revised Statutes, is amended to read:
7 28-1635. Waiver; economic hardship

8 On proper application, the court may waive its right pursuant to this
9 article to request the department to refuse to renew the vehicle registration
10 of a registered owner who is ~~delinquent in paying a fine or penalty for a~~
11 ~~civil or criminal traffic violation~~ SUBJECT TO THIS ARTICLE, if both:

12 1. Nonrenewal of the vehicle registration would pose an economic
13 hardship on the registered owner or the registered owner's immediate family.

14 2. The failure to pay is not due to an intentional refusal to obey the
15 order of the court or an intentional refusal to make a good faith effort to
16 obtain the monies required for the payment.

17 Sec. 6. Section 28-1636, Arizona Revised Statutes, is amended to read:
18 28-1636. Rules

19 A. The supreme court shall adopt rules or procedures necessary for the
20 courts to carry out this article including the time periods during which
21 ~~criminal and civil traffic offenders~~ PERSONS WHO ARE SUBJECT TO THIS ARTICLE
22 shall pay all ~~finer or penalties~~ MONETARY OBLIGATIONS before a court or
23 political subdivision may request the department to refuse to renew the
24 registration of the ~~offender's~~ PERSON'S vehicle.

25 B. In adopting rules or procedures prescribing the time periods during
26 which ~~criminal and civil traffic offenders~~ PERSONS WHO ARE SUBJECT TO THIS
27 ARTICLE shall pay all ~~finer or penalties~~ MONETARY OBLIGATIONS, the supreme
28 court shall consider the economic circumstances of ~~offenders~~ REGISTERED
29 OWNERS.

30 Sec. 7. Effective date

31 This act is effective from and after December 31, 2006.